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 Inc., and Seth Ravin

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., A Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
AND SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**STIPULATION AND [PROPOSED]
ORDER CONCERNING CLAIMS
RELATED TO RIMINI'S USE OF
ORACLE DATABASE**

Courtroom: 3B

Judge: Magistrate Peggy A. Leen

Whereas,

1. The Second Amended Complaint ("SAC") filed by Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. (collectively, "Oracle" or "Plaintiffs") alleges claims arising out of Defendants Rimini Street, Inc.'s ("Rimini Street's") and Seth Ravin's ("Ravin's") (together, "Rimini" or "Defendants") use, copying and possession of Oracle Relational Database Management Software and its related products ("Oracle Database" or "Database").

2. The Parties disagree about whether the license agreements for Oracle Database between Oracle and Rimini's customers are relevant to this case.

3. Despite this disagreement, Oracle has produced its standard form Database licenses from the years 2002 to 2010, as identified below:

- ORCLRS0352891-923
- ORCLRSS0352949-3006
- ORCLRS1312912-987
- ORCLRS1312992-3367
- ORCLRS1313371-413
- ORCLRS1313420-451

- ORCLRS1313463-470
- ORCLRS1313475-482
- ORCLRS1313508-565
- ORCLRS1313570-582
- ORCLRS1313588-662
- ORCLRS1313684-762
- ORCLRS1313788-859
- ORCLRS1313882-942
- ORCLRS1313948-4007
- ORCLRS1314017-025
- ORCLRS1314034-060
- ORCLRS1314070-078
- ORCLRS1314085-136
- ORCLRS1314139-165
- ORCLRS1314174-201
- ORCLRS1314210-268
- ORCLRS1314270-336
- ORCLRS1314338-395
- ORCLRS1323664-703
- ORCLRS1323726-746
- ORCLRS1323791-847

4. The Parties agree that the terms of the above-listed Oracle standard form Database licenses are representative of the licenses Oracle entered into with its customers for use of Oracle Database.

5. The Parties further agree that, to the extent either Party wishes to invoke the terms of an Oracle Database license, for any purpose in the litigation or at trial, the Parties will substitute the terms of Oracle's standard form Database licenses (which Oracle has produced),

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1 for the actual Oracle Database license agreements entered into between Oracle and its customers
2 (which, in many instances, Oracle has not undertaken the burden to produce).

3 6. Neither Party may object to or challenge the use of the terms of Oracle's standard
4 form Database licenses on grounds that: 1) they are not representative of the terms under which
5 Oracle licensed Oracle Database to its customers; or 2) any individual customer's Oracle
6 Database license agreement is not in evidence.

7
8 DATED: March 22, 2012

DATED: March 22, 2012

9 BINGHAM McCUTCHEN LLP

SHOOK, HARDY & BACON LLP

10
11 By: /s/ Geoffrey M. Howard

By: /s/ Robert H. Reckers

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15 *Attorneys for Plaintiffs*

Attorneys for Defendants

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18 Pursuant to stipulation, it is SO ORDERED.

19
20
21 Hon. Peggy A. Leen
United States Magistrate Judge

ATTESTATION OF FILER

The signatories to this document are myself and Robert Reckers, and I have obtained Mr. Reckers' concurrence to file this document on his behalf.

DATED: March 22, 2012

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